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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,010	08/21/2006	Kenji Tamada	070456-0142	7077
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600 13TH STR	EET, N.W.	KRAUSE, JUSTIN MITCHELL		
WASHINGTO	N, DC 20005-3096		ART UNIT	PAPER NUMBER
			3656	
			MAIL DATE	DELIVERY MODE
			11/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/590,010	TAMADA ET AL.		
Examiner	Art Unit		
JUSTIN KRAUSE	3656		

The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED <u>Q6 October 2010</u> FALLS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the following replies: (1) an amendment, affidavit, or other evidence, which places the following time of the following time o		JUSTIN KRAUSE	3656				
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidaty, or other evidency with places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☑ The period for reply expires ② months from the mailing date of the final rejection. b) ☐ The period for reply expires ② months from the mailing date of the final rejection. Examiner Note: If box 1 is chacked, check either box (a) or (b). CNLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OT THE FIRM, REJECTION. See MPEP 706 6770. Examiner Note: If box 1 is chacked, check either box (a) or (b). CNLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OT THE FIRM, REJECTION. See MPEP 706 6770. Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nother 37 CFR 1.176(a) is calculated from: (1) the expiration date of the shortened statutory period for reply outpraily set in the final Office action; (2) as many reduce any exemple patient term adjustment. See 37 CFR 1.776(b). NOTICE OF APPEAL 2. □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (n), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MERONAMENTS □ The Protoce of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 41.337(a). MERONAMENTS □ The proposed armendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) [] They raise the issues that would require further conside	The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress			
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods: a) The period for reply expires on. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY ASFILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed its determining the period for reply operiod for reply originally set in the final Office action, or (2) as any reduce any semant dischard from: (1) the originate of date to the south of the filed filed and filed within the time period set forth in 37 CFR 41.37(e), to avoid dismissal of the date of filing the Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply	THE REPLY FILED <u>04 October 2010</u> FAILS TO PLACE THIS A	PPLICATION IN CONDITION FOR	R ALLOWANCE.				
a) The period for reply expires 2_months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Exement Note: If box is checked, check either box (s) or (s). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension for have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavit eal (with appeal fee) in compliance v	t, or other evidence, www. with 37 CFR 41.31; or	which places the r (3) a Request			
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of their rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See WIPE? 706 607(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above; if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above; if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in 0.00 period for reply originally set in the final Office action; or (2) as set forth in 0.00 period for reply originally set in the final Office action; or (2) as set forth in 0.00 period for reply originally set in the final Office action; or (2) as set forth final prepared and the prepared of the final rejection, or (2) as set forth in 0.00 period for the final rejection, or (2) as set for 1.00 period for period set forth in 37 CFR 41.37(a), or any extension thereof (37 CFR 41.37(a), b) to avoid dismissal of the date of filing the Notice of Appeal and for the prepared set forth in 37 CFR 41.37(a), or any extension thereof (37 CFR 41.37(a), b). AMENDMENTS In Preproposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because the forth or appeal	<u></u>	of the final rejection.					
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 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)							
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Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument regarding the 112-1 rejection is not persuasive. The mere presence of a data point in a table is insufficient to establish any significance to the end of the claimed range, particularly in contradiction to the specification's disclosure of .03-.15 micrometers being the desirable range of surface roughness (see for example, pages 3, 5, 7, 8, 14, and 19 of the specification). The specification contains no detailed discussion that would provide one of ordinary skill in the art any guidance as to the setting of .08 micrometers as the end of the range in light of the disclosure. Rejections under 35 USC 103 are maintained. Applicant essentially argues that any 103 would be improper because it does not disclose all of the parameters claimed in a single reference, and applicant's findings are unexpected results because no single reference discloses the claimed parameters. The recited combination meets the language of the claims and would have been obvious to one of ordinary skill in the art. Jahn teaches a purpose for leaving a gap between the cage and the needle bearing (for forming a wedge of lubricating oil) which is dependant upon the parameters of the oil used. Izekawa discloses the surface roughness to be a result dependant variable which may be determined through routine experimentation. The combination of Jahn and Izekawa is proper and one of ordinary skill in the art would have been sufficiently motivated to make the combination with a reasonable expectation of success. Applicant's argument of unexpected results is not persuasive. Applicant seeks to rely on the tables in the specification where parameters are varied in order to achieve desirable conditions. Such tables show routine experimentation and are not considered evidence of unexpected results.